

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Tom Van Horn, Richard V. Halbert and Linda S. Perkins  
SERIAL NO.: 09/863,801  
FILING DATE: May 22, 2001  
TITLE: Attaining Product Inventory Groupings For Sales In A Group-Buying Environment  
EXAMINER: Elaine L. Gort  
GROUP ART UNIT: 3627  
ATTY. DKT. NO.: 22930-06067

MAIL STOP AF  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**COMMUNICATION TO EXAMINER**

Sir:

This communication is in response to the Advisory Action mailed April 6, 2006, that reset the shortened statutory period for response to April 6, 2006. A fee for a two-month extension of time is included herewith.

In the Amendment C filed on February 17 2006, Applicants provided a Statement of Common Ownership to overcome the final rejection under §103(a) of claims 1-12 and 21-36 in view of Halbert, by stating the Halbert and the present application were commonly owned by Mercata, Inc. at the time of the invention of the present application.

In the Advisory Action dated April 6, 2006 the Examiner indicated that Statement of Common Ownership did not place the application in condition for allowance because the Patent Office records appeared to show that the present application was owned by Vulcan Portals, not Mercata.

The present application claims priority from Provisional Application Serial No. 60/206,566 filed on May 23, 2000. Applicants submit herewith a copy of the recordation of assignment of said provisional application, by which Applicants assigned ownership of the provisional application to Mercata, Inc. This assignment was dated September 20, 2000, and includes an assignment of the entire right to the invention disclosed in the provisional application as well as to any other application (including the present application) that claims said invention. The prior assignment predates the later assignment of the present application to Vulcan Portals. Accordingly, at the time of the invention, and at least at the time the present application was filed on May 22, 2001, the rights in the present application were owned by Mercata, Inc., as indicated in the Statement of Common Ownership.

Accordingly, Applicants respectfully request that the Examiner withdraw the final rejection and allow the application.

Respectfully submitted,  
TOM VAN HORN *ET AL.*

Dated: May 11, 2006

By: /Robert R. Sachs/  
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DECEMBER 11, 2000

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UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

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RECORDATION DATE: 10/03/2000

REEL/FRAME: 011160/0378  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

VAN HORN, TOM

DOC DATE: 09/20/2000

ASSIGNOR:

HALBERT, RICHARD V.

DOC DATE: 09/20/2000

ASSIGNOR:

PERKINS, LINDA S.

DOC DATE: 09/20/2000

ASSIGNEE:

MERCATA, INC.  
3655-131ST AVENUE, S.E.  
FLOOR 5  
BELLEVUE, WASHINGTON 98006-1330

SERIAL NUMBER: 60206566  
PATENT NUMBER:

FILING DATE: 05/23/2000  
ISSUE DATE:

*Resubmit Assignment  
for Recordation*

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DUE: 11/30/01  
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COOLEY GODWARD LLP

190E0091/18

**ASSIGNMENT**

**Whereas,**

Tom VAN HORN residing at 9501 S.E. Fifth Street, Bellevue, Washington 98004;  
Richard V. HALBERT residing at 2509 Sahalee Drive, E, Redmond, Washington 98053;  
Linda S. PERKINS residing at 4450 248<sup>th</sup> Lane SE, Issaquah, Washington 98029  
(hereinafter referred to individually and collectively as "Inventor") have made an invention relating to certain new and useful improvements in:

**SYTEM AND METHOD FOR ATTAINING PRODUCT INVENTORY GROUPINGS  
FOR SALES IN A GROUP-BUYING ENVIRONMENT**

and executed therefor an Application for Letters Patent of the United States and

[X] bearing Serial No. 60/206,566 and filed on May 23, 2000

**Whereas,** Mercata, Inc. (hereinafter "Assignee"), a corporation of Delaware, and having a principal place of business at 3655-131st Avenue S.E., Floor 5, Bellevue, Washington 98006-1330, is desirous of acquiring the entire right, title, and interest in and to said invention, said Application, and the Letters Patent to be obtained therefor:

**Now, therefore,** for and in consideration of One Dollar and other good and valuable considerations, to Inventor in hand paid, the receipt and sufficiency whereof are hereby acknowledged, Inventor has sold, assigned, and set over and by these presents does hereby sell, assign, and set over unto Assignee and Assignee's legal representatives, successors and assigns, the entire right, title, and interest in and to said invention, said Application and any other application, domestic or foreign, that claims said invention, as well as any Letters Patent, domestic or foreign, that may or shall issue thereon; and Inventor does hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this Assignment.

The terms "Application" and "Application for Letters Patent" as used herein include both provisional and non-provisional applications.

Inventor hereby authorizes the above-mentioned Assignee or its legal representative to insert in this instrument the filing date and serial number of said Application or any other information that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Upon said consideration, **Inventor** conveys to Assignee the right to make application in its own behalf for protection of said invention in countries foreign to the United States and where expedient to claim under the International Convention or other international arrangement for any such application the date of the United States application (or other application if any there be) in priority to other applications; and **Inventor does hereby covenant** and agree with Assignee that Inventor will not execute any writing or do any act whatsoever conflicting with these presents, and that Inventor will at any time upon request, without further or additional consideration, but at the expense of Assignee, execute such additional assignments and other writings and do such additional acts as Assignee may deem necessary or desirable to perfect Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuation, continuation-in-part, renewal, reexamined, reissued or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or chose in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind and inure to the benefit of the assigns and legal representatives of both parties.

Date: 9/20/00

By: Tom Van Horn  
Tom VAN HORN

Date: 9/20/00

By: Richard V. Halbert  
Richard V. HALBERT

Date: 9-20-00

By: Linda S. Perkins  
Linda S. PERKINS